



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date: May 11, 2010
Land Use Action Date: June 22, 2010
Board of Aldermen Action Date: July 19, 2010
90-Day Expiration: August 9, 2010

DATE: May 7, 2010

TO: Board of Aldermen

FROM: Candace Havens, Interim Director of Planning and Development
Alexandra Ananth, Senior Planner

SUBJECT: **Petition #85-10, SIMON & MARIA ORLSBERG** for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a dormer wider than 50% of the exterior wall below and a waiver to allow side walls of a dormer less than 3' from vertical edge of building end wall in order to convert an attic into bedrooms and a bathroom in an existing single-family dwelling at 47 SHELDON ROAD, Ward 8, Newton Centre, on land known as Sec 81, Blk 39, Lot 7, containing approx 7,920 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-15(t)(a), 30-15(t)(c) of the City of Newton Rev Zoning Ord, 2007.

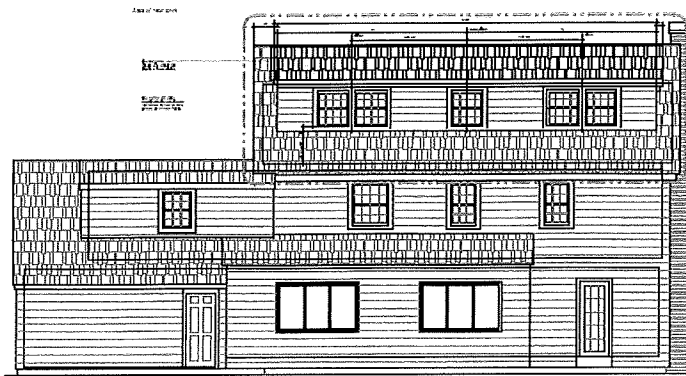
The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The subject property consists of a 7,920 sq. ft. lot currently improved with a two-story single-family colonial residence circa 1938. The petitioners are proposing to finish the existing attic into livable space, which would include adding a shed dormer on the rear façade of the roof. The size of the proposed new rear shed dormer is wider than 50% of the length of the exterior wall of the story next below, and the side walls of the dormer are less than three feet in from the vertical edge of the building end wall of the floor below. Per Section 30-15(t)(a)&(c) of the Zoning Ordinance, in order to construct a dormer of this size, the applicant must obtain a special permit from the Board of Aldermen.

The proposed dormer allows for an expanded living area with no changes to the footprint of the existing structure. The Planning Department notes that the proposed attic will not be more than 2/3 of the area of the story next below, and will remain a half story. The petitioner is proposing a roofline overhang (or skirt) between the dormer and the story immediately below so as to avoid the appearance of an uninterrupted wall plane from the floor below, and the dormer does not project above the main ridgeline of the residence. The petitioners are proposing no other site changes at this time.



*Rear elevation showing
proposed dormer*

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether the proposed dormer would be consistent with and not in derogation of the size, scale and design of other structures in the surrounding neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on Sheldon Road, off Boylston Street (Route 9). It is located within a Single Residence 3 District where single-family residences on small lots

characterize the neighborhood. The majority of residences were built around 1940, and most of the lots are between 6,000 and 9,500 sq. ft. Colonial architecture dominates the neighborhood, although a variety of early twentieth century architectural styles also are present.

B. Site

The 7,920 sq. ft. site is relatively level and is of average size for the neighborhood.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

No changes to the use of the single-family residence are proposed.

B. Building and Site Design

The existing house is a two-story wood-shingled residence circa 1938 with a pitched roof and attached garage. The petitioners are proposing to finish the existing attic into livable space, which would include adding a shed dormer on the rear façade. The new attic level will contain two bedrooms and a bathroom. The petitioner is also adding a skylight to the front façade of the roof. No other changes to the site are proposed at this time.

The proposed dormer will be set back approximately 35 feet from the rear property line and the petitioners have proposed a significant roof overhang or skirt below the proposed dormer so as not to create the appearance on an uninterrupted wall plane from the floor below. The abutters to the rear have extensive landscaping on their side of the shared property line and the Planning Department does not believe that the dormer as proposed will impact abutters. Furthermore, the Planning Department is supportive of the concept of a vertical addition rather than an expansion of the footprint.

C. Parking and Circulation

The petitioners are not altering the curb cut or driveway in any way.

D. Landscape Screening

The petitioners did not submit a landscape plan nor was one required.

IV. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated October 5, 2009 (*SEE ATTACHMENT "A"*), provides an analysis of the proposal with regards to zoning. The petitioners must seek a waiver from 30-15(t)(a) to allow for a dormer wider than 50% of the exterior wall below. Although not noted

in the Zoning Memorandum, the petitioners must also seek a waiver from 30-15(t)(c) to allow for the side wall of the dormer to be closer than three feet from the intersection of the roof and the main building end wall.

- B. Newton Historical Commission Demolition Review. The Senior Preservation Planner reviewed and approved the proposed demolition to the roof administratively.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioners are seeking the following approvals for relief:

- Section 30-15(t)(a)&(c) to allow for a dormer wider than 50% of the exterior wall below and closer than three feet from the intersection of the roof and the main building end wall
- Section 30-23, for site plan approval
- Section 30-24, for approval of special permit

VI. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS

ATTACHMENT A: ZONING REVIEW MEMORANDUM DATED MARCH 22, 2010

ATTACHMENT B: ZONING MAP

ATTACHMENT C: LAND USE MAP

ATTACHMENT D: DRAFT BOARD ORDER

Zoning Review Memorandum

Dt: March 22, 2010

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Interim Director of Planning and Development

Cc: Geoff Pingree and Jonathan Cutler, architects representing Simon and Maria Orlsberg
Ouida Young, Associate City Solicitor

RE: Request to allow a large shed dormer.

Applicant: Simon and Maria Orlsberg

Site: 47 Sheldon Road

SBL: Section 81, Block 39, Lot 7

Zoning: SR-3

Lot Area: 7,920 square feet

Current use: Single-family residence

Proposed use: Single-family residence

Background:

1. The subject property consists of a 7,920 square foot lot currently improved with a single-family residence. The applicants are proposing to finish the existing attic. The following review is based on plans and materials submitted to date as noted below.

Plans and materials reviewed:

- o "Plot Plan, Surveyor's Affidavit," dated July 8, 1996, signed and stamped by Bruce Bradford, Professional Land Surveyor
- o Plan Set "Attic Renovations: 47 Sheldon Road, Newton, MA," all dated March 8, 2010 and signed and stamped by Jonathan D. Cutler, AIA, Registered Architect
 - "T-01, Title Sheet/Zoning Information/Site Plan"
 - "A-01, Second Floor Plan"
 - "A-02, Attic Plan"
 - "A-03, Roof Plan"
 - "A-04, West (Rear) Elevation"
 - "A-05, North Elevation"
 - "A-06, East (Street) Elevation"
 - "A-07, South Elevation"
 - "A-08, Sections"

Administrative determinations:

2. The proposed renovation includes adding a shed dormer onto the rear of the house to increase living space in the existing attic. The size of the dormer as shown on the submitted plans is wider than 50% of the length of the exterior wall of the story next below. Per Section 30-15(t)(a) of the Zoning Ordinance, in order to construct a dormer of this size, the applicant must obtain a special permit from the Board of Aldermen.

3. See "Zoning Relief Summary" below:

Zoning Relief Summary		
Ordinance		Action Required
§30-15(t)(a)	Allow a dormer wider than 50% of the exterior wall below	SP per §30-24

Zoning Map

47 Sheldon Rd.

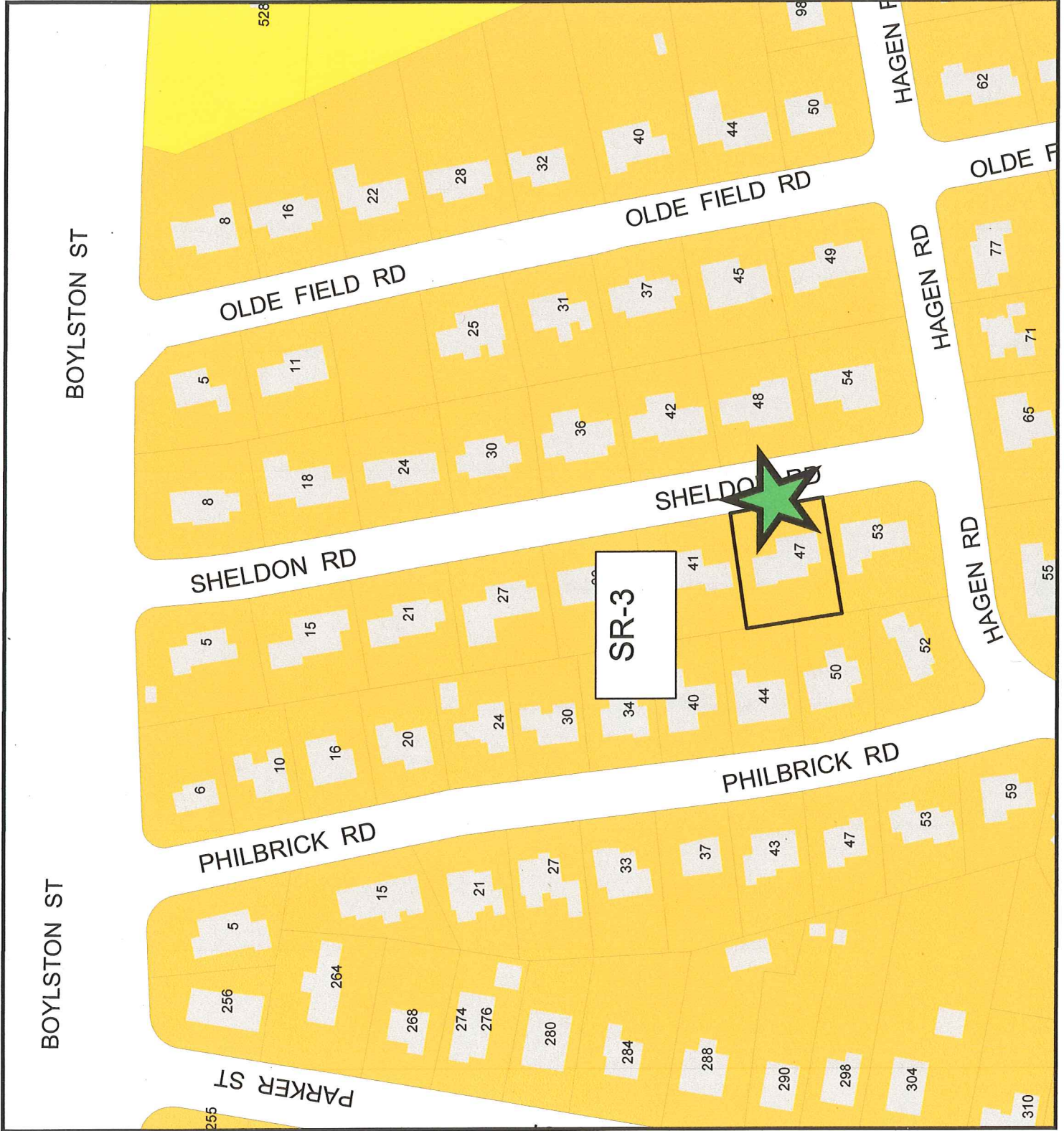
Legend	
	47 Sheldon Rd.
	Building Outlines
	Single Res. 1
	Single Res. 2
	Single Res. 3
	Business 1
	Business 2
	Business 4
	Business 5
	Limited Manufacturing
	Multi-Res. 1
	Multi-Res. 2
	Multi-Res. 3
	Multi-Res. 4
	Mixed Use 1
	Mixed Use 2
	OS/Rec.
	Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.



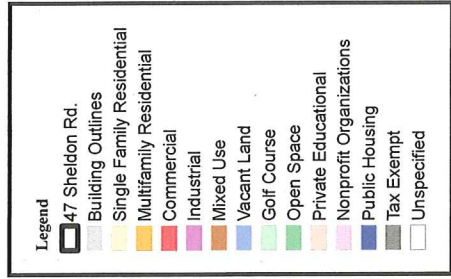
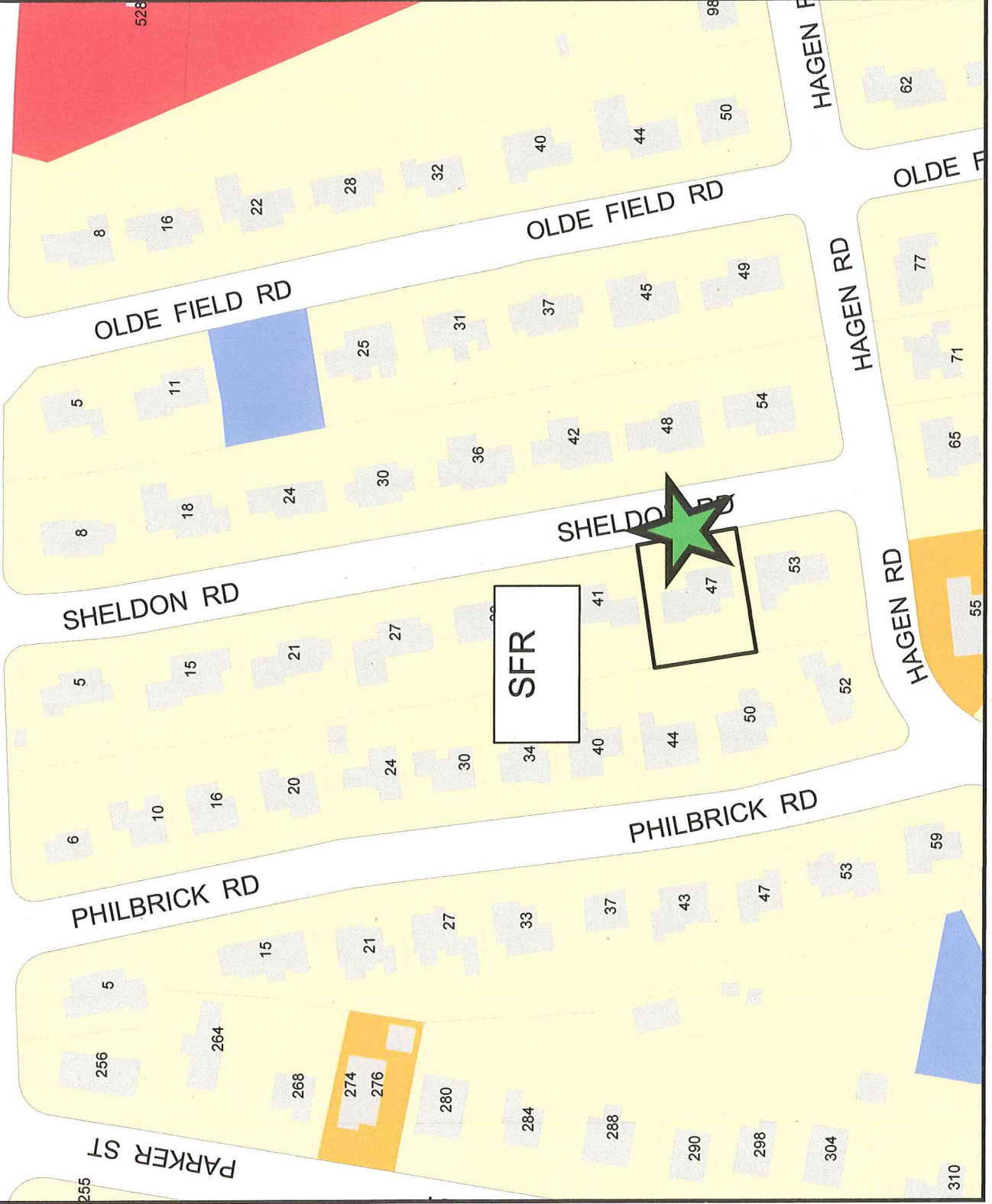
MAP DATE: May 04, 2010



BOYLSTON ST

BOYLSTON ST

47 Sheldon Rd.



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MAP DATE: May 04, 2010

CITY OF NEWTON
IN BOARD OF ALDERMEN
March 17, 2010

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow for an oversized dormer, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

1. The proposed dormer addition to the rear façade of the existing single family structure will be consistent with and not in derogation of the size, scale and design of other structures in the surrounding neighborhood:
 - a. The proposed attic will not be more than 2/3rds the area of the story next below and will remain a half story.
 - b. The proposed dormer will allow for a roofline overhang so as to avoid the appearance of an uninterrupted wall plane from the floor below.
 - c. The proposed dormer allows for an expanded living area with no changes to the footprint of the existing structure.

PETITION NUMBER: #85-10

PETITIONER: Jonathan D. Cutler, AIA

LOCATION: 47 Sheldon Rd, Section 81, Block 39, Lot 7 containing approximately 7,920 sq. ft. of land

OWNER: Marcia and Simon Olsberg

ADDRESS OF OWNER: 47 Sheldon Rd, Newton, MA

TO BE USED FOR: Two bedrooms and a bathroom in the attic

CONSTRUCTION: Wood frame, shingle siding, and asphalt shingle roof

EXPLANATORY NOTES: §30-15(t)(a)&(c) to allow for a dormer wider than 50% of the exterior wall below and closer than three feet from the

intersection of the roof and the main building end wall;
§30-23 for site plan approval; and §30-24(d) for special
permit approval

ZONING: Single Residence 3 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - "Plot Plan, Surveyor's Affidavit," dated July 8, 1996, signed and stamped by Bruce Bradford, Professional Land Surveyor
 - Plan Set "Attic Renovations: 47 Sheldon Road, Newton, MA," dated March 8, 2010 and prepared by Jonathan D. Cutler, AIA, not stamped or signed
 - "T-01, Title Sheet/Zoning Information/Site Plan"
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 - "A-04, West (Rear) Elevation"
 - "A-05, North Elevation"
 - "A-06, East (Street) Elevation"
 - "A-07, South Elevation"
 - "A-08, Attic Sections"
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
 - b. submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.